

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION**

DONNA M. PERRY,)	C.A. NO.
)	
)	
PLAINTIFF,)	
)	
vs.)	
)	NOTICE OF REMOVAL
COSTCO WHOLESALE)	
CORPORATION,)	
)	
)	
DEFENDANT.)	
_____)	

TO: J. CLAY HOPKINS, ATTORNEY FOR PLAINTIFF:

YOU WILL PLEASE TAKE NOTICE that Defendant COSTCO WHOLESALE CORPORATION, hereby notify this Court, pursuant to 28 U.S.C. §§ 1332, 1441 and 1446, of removal to this Court of the action pending between the above-captioned parties in the Court of Common Pleas, County of Horry, State of South Carolina, Civil Action number 2022-CP-26-05424. Removal is based upon the following grounds:

1. The above-entitled personal injury action was brought in the Court of Common Pleas, County of Horry, State of South Carolina, by the Plaintiff, to recover damages resulting from an incident that occurred on or about September 2, 2021 in Horry County, South Carolina.

2. Plaintiff commenced this action by filing the Summons and Complaint with the Court of Common Pleas, County of Horry, State of South Carolina, on August 24, 2022.

3. The Defendant was served with the Summons and Complaint on August 29, 2022.

Copies of all process and pleadings served on the Defendants are attached as **Exhibit A**.

4. At the time of the commencement of this action and the filing of this Notice of Removal, the Plaintiff and the Defendant herein maintained the following citizenship:

- a. Pursuant to the Complaint, Plaintiff is a citizen of South Carolina.
- b. Defendant Costco Wholesale Corporation is an entity organized and existing under the laws of the State of Washington with a principal place of business is located at 999 Lake Dr., Issaquah, WA 98027.

5. In light of the foregoing, diversity of citizenship exists between the Plaintiff and Defendant at the time of removal, as required under 28 U.S.C. § 1332.

6. In the complaint, Plaintiff's prayer for relief seeks an indeterminate amount of actual, consequential, and punitive damages as a result of the subject (Complaint, ¶ 16 and 20).

7. Accordingly, a jury could award relief in excess of \$75,000.00.

8. The Court of Common Pleas for Horry County is within the United States District Court for the District of South Carolina, Florence Division. Thus, by filing the Notice of Removal in the district and division within which such action is pending, the Defendant has satisfied the requirements of 28 U.S.C. § 1446(a).

9. This Notice of Removal is filed pursuant to 28 U.S.C. § 1446(b)(3) within thirty (30) days of the Defendant's receipt of the initial pleading setting forth the claim for relief upon which this action is based.

10. A copy of this Notice of Removal has been filed with the Clerk of Court for Horry County Court of Common Pleas.

11. The Defendant shall pay all costs and disbursements incurred by reason of the removal proceedings should it be determined that the said action was not removable or was improperly removed.

WHEREFORE, your Petitioner prays that this Court accept this Notice of Removal, which is being filed and that this Honorable Court take jurisdiction of the above entitled cause and all further proceedings in said cause in the Court of Common Pleas, County of Horry, State of South Carolina be stayed.

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